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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,417	09/23/2003	Thomas K. Sciurba	10188	2029

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MARK G, BOCCHETTI
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EXAMINER

MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/668,417	Applicant(s) SCIURBA ET AL.	
	Examiner Thomas A. Morrison	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 5-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-4 and the new claims 25 in the reply filed on May 18, 2005 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1 and its dependent claims 2-4, the recited method is incomplete, in that it is unclear from the claim language how the switching to another sheet supply is performed when the platform is the distance from the feedhead, with the predetermined number remaining ***unchanged regardless of a sheet thickness***.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,685,181 (Bakodledis). In particular, the Bakodledis patent discloses all of the elements of claims 1, 3 and 25.

Regarding claim 1, Figs. 1-2 and column 2, line 63 to column 3, line 12 disclose a method for controlling sheet stack advancing, including

determining a distance of a platform (6) relative to a feedhead (including 24) corresponding to a predetermined number of sheets (s) to be left in a sheet supply, the sheets (S) resting upon the platform (6);

switching to another sheet supply when the platform (6) is the distance from the feedhead (including 24) thereby leaving the predetermined number of sheets (S) in the sheet supply, the predetermined number remaining unchanged regardless of a sheet thickness. In particular, column 3, lines 2-12 explain that when the stack is emptied from the platform, a detector detects this condition, and the empty platform is rotated out of the way. At the same time, a second platform is rotated into the feeding position of the feed head and sheets begin to be fed from the second platform. In other words, the Bakodledis apparatus is set up such that when the predetermined number of sheets to be left in the sheet supply is **zero**, the Bakodledis apparatus switches to another sheet supply. With zero being the predetermined number of sheets to be left in the sheet supply, this predetermined number is unchanged regardless of a sheet thickness. The distance between the platform and the feed head with no sheets remaining on the platform, is inherently determined by the structure of the Bakodledis apparatus.

Regarding claim 3, the distance between the platform and the feed head show is determined by the structure of the Bakodledis apparatus. As such, the distance is determined prior to the platform being at the distance relative to the feedhead.

Regarding claim 25, Figs. 1-2 and column 2, line 63 to column 3, line 9 disclose a method for controlling sheet stack advancing, including

determining stack position corresponding to a predetermined number of sheets remaining in a sheet supply (i.e., zero sheets) to indicate a paper low nominal value; and controlling sheet feeding in response thereto. As explained above with regard to the rejection of claim 1, when the stack is emptied from the platform, a detector detects this condition, and the empty platform is rotated out of the way. At the same time, a second platform is rotated into the feeding position of the feed head and sheets begin to be fed from the second platform. As such, there is a stack position corresponding to zero remaining sheets, which indicates a paper low value. This results in feeding from the second stack.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,028,041 (Kobayashi). In particular, the Kobayashi patent discloses all of the elements of claim 25.

Regarding claim 25, Kobayashi discloses a method for controlling sheet stack advancing, including

determining stack position corresponding to a predetermined number of sheets remaining in a sheet supply to indicate a paper low nominal value; and controlling sheet feeding in response thereto. More specifically, Fig. 4(a) shows a stack position that corresponds to a number of sheets remaining in a sheet supply in a cassette (10-1). At this position, a sensor produces a signal, and in response to this signal, a feeding roller (12-2) is started to feed paper out of another cassette (10-2). See also column 4, lines 38-65.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Bakodledis patent as applied to claim 1 above, and further in view of U.S. Patent Publication No. 20030015836 (Westcott et al.).

Regarding claim 2, the Bakodledis patent shows a platform (6) operated by motors (10), and discloses that other mechanisms can be used to operate the platform (6). See, e.g., Fig. 3 and column 2, lines 37-42.

The Westcott publication discloses that it is well known to drive a platform using a stepper motor as the driving mechanism. Westcott also explains that a stepper motor

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allows a platform to be raised or lowered in small or fine-step increments. See, e.g., numbered paragraph [0013]. It would have been obvious to one of ordinary skill in the art at the time of the invention, to provide the Bakodledis apparatus with a stepper motor, so that the platform of Bakodledis can be raised or lowered in small or fine-increments, as taught by Westcott. With regard to expressing the distance as stepper motor counts, it is noted that if the stepper motor of Westcott was provided in the environment of Bakodledis, the operation of the stepper motor that would move the platform to the claimed distance would express the distance as stepper motor counts. See, e.g., the numbered paragraph [0030] at lines 10-21.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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